

# UNITED STATES DISTRICT COURT

for the

Middle District of North Carolina

United States of America

v.

Rudy Alberto Gonzalez-Santos, a.k.a Rudy Santos,  
a.k.a Rudy Alberto Santos, a.k.a Ruiz Gonzalez

Case No. 1:18 MJ 191

Defendant(s)

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of June 21, 2018 in the county of Durham in the  
Middle District of North Carolina, the defendant(s) violated:

*Code Section*

8 USC Section 1326(a)

*Offense Description*

The defendant, an alien, was found in the United States after having previously been denied admission, excluded, deported and removed from the United States at Columbus, Georgia, and not having obtained the express consent of the Attorney General, or his successor, the Secretary of Homeland Security, to reapply for admission thereto.

This criminal complaint is based on these facts:

Please see attached affidavit.

☒ Continued on the attached sheet.

*Complainant's signature*

David Correa, Deportation Officer

*Printed name and title*

Sworn to before me and signed in my presence.

Date:

6/22/2018

City and state:

Winston-Salem, North Carolina

*Judge's signature*

Joi Elizabeth Peake, United States Magistrate Judge

*Printed name and title*

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

AFFIDAVIT

1. I, David Correa, having been duly sworn, do hereby depose and state: I am a Deportation Officer with the Department of Homeland Security, Immigration and Customs Enforcement (ICE), formerly known as the Immigration and Naturalization Service (INS), assigned to the Raleigh, North Carolina office. I have been continuously employed in my current position with ICE since November of 2008. My duties routinely include the investigation of violations of the federal criminal statutes concerning immigration offenses, including the reentry of illegal aliens into the United States.

2. This affidavit is submitted as evidence of probable cause supporting the arrest warrant for Rudy Alberto Gonzalez-Santos, also known as "Rudy Santos", also known as "Rudy Alberto Santos", also known as "Ruiz Gonzalez" (here after referred to as "GONZALEZ") for reentry by an alien previously removed subsequent to a felony conviction in violation of Title 8 U.S.C. § 1326(a). This affidavit does not set forth all information known to your affiant about this case and is being submitted for the purpose of providing sufficient information to establish probable cause.

3. In the course of investigating this matter, I have obtained

information through law enforcement channels and reviewed the official Alien File (A-File) numbered A-XXX 944 234. This file is maintained in the name of Rudy Alberto Gonzalez-Santos (GONZALEZ) and contains this individual's biographical information, family history, records of encounters with ICE, conviction records, photographs and fingerprints. Based on the review of this A-File, I have concluded that it does in fact pertain to the defendant in this matter.

4. The A-File reflects the following information relative to this individual:

- a. GONZALEZ is a citizen and national of El Salvador.
- b. His admitted date of birth is August 25, 19XX.
- c. GONZALEZ previously entered the United States unlawfully at an unknown place and time without having been inspected, admitted, or paroled.
- d. GONZALEZ was, on September 16, 2010, encountered by ICE Officers while pending a shoplifting charge at the Morris County Jail in Morristown, New Jersey, identified as an illegal alien, determined to be inadmissible, served with a notice to Appear before an Immigration Judge and placed in removal proceedings.
- e. On October 14, 2010, GONZALEZ pled guilty in the Morris County

Township Municipal Court located in Rockaway, New Jersey to shoplifting-conceal-merchandise, a misdemeanor, in violation of New Jersey Statutes Annotated 2C § 20-11.

- f. On April 20, 2011, GONZALEZ was permitted to voluntarily depart the United States by an Immigration Judge in Elizabeth, New Jersey until August 18, 2011. On May 20, 2011, GONZALEZ through counsel filed an appeal with the Immigration Judge's Order. On January 31, 2013, the appeal was subsequently dismissed and the Order was affirmed. GONZALEZ was again permitted to voluntary depart the United States within sixty days from the date of the Order and warned of the penalties for failure to depart.
- g. On April 2, 2013, GONZALEZ was encountered by ICE Officers while pending charges of first-degree sex offense of a child, statutory sex offense of a child by adult, indecent liberties with child and crimes against nature at Durham County Jail, in Durham, North Carolina. GONZALEZ was identified as an illegal alien who failed to deport as ordered by an Immigration Judge and has a final Order of removal, and a detainer was lodged.
- h. On March 20, 2014, GONZALEZ pled guilty in the Durham County Superior Court located in Durham, North Carolina to Crimes Against

Nature, a Felony, in violation of North Carolina General Statute 14-177 and Assault on a Child Under 12, a Misdemeanor, in violation of North Carolina General Statute 14-33(C)(3). GONZALEZ was sentenced to six to eight months incarceration.

- i. On April 25, 2014, GONZALEZ was removed from the United States to El Salvador at Columbus, Georgia, after having been warned of the penalties for reentry.
- j. GONZALEZ reentered the United States on or after April 25, 2014 and did so without obtaining the express consent of the Attorney General or his successor the Secretary of Homeland Security to reapply for admission.

5. A search of ICE databases reveals that GONZALEZ did not seek permission of the United States Attorney General to reenter as required by 8 U.S.C. § 1360(d).

6. On June 21, 2018, GONZALEZ was arrested by ICE Officers in Durham, North Carolina 27703 and transported to the ICE office in Cary, North Carolina for processing. Fingerprints taken from GONZALEZ as a result of his arrest were electronically submitted to ICE and FBI databases and resulted in a positive biometric match for a previously deported alien.

7. GONZALEZ was advised of his *Miranda* rights in a language he

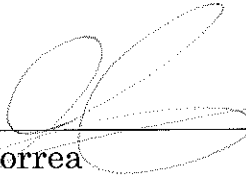
understands (Spanish), which he waived in writing and made in part the following statement in response to questioning:

- a) that his true name is Rudy Alberto Gonzalez-Santos;
- b) that he was born August 5, 19XX, in El Salvador;
- c) that he is a citizen of El Salvador;
- d) that he has been previously deported from the United States.


8. On June 21, 2018, fingerprints taken from GONZALEZ at the time of his most recent arrest were sent to the DHS Biometric Support Center to be compared to the fingerprint impression taken at the time of his prior removal from the United States for confirmation. The photo taken at the time of his prior removal printed on the removal document matches GONZALEZ.

9. Based on all of the foregoing, I, David Correa, believe that there is sufficient probable cause to conclude that Rudy Alberto Gonzalez-Santos, also known as "Rudy Santos", also known as "Rudy Alberto Santos", also known as "Ruiz Gonzalez" is in fact guilty of illegal reentry into the United States by an alien previously removed subsequent to a felony conviction in violation of Title 8 U.S.C. § 1326(a), and respectfully ask that the Court issue a warrant ordering his arrest for such crime.

Further, your Affiant sayeth not.

  
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David Correa  
Deportation Officer  
Immigration & Customs Enforcement

On this 22 day of June 2018, Deportation Officer David Correa, appeared before me, was placed under oath, and attested to the contents of this Affidavit.

  
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JOI ELIZABETH PEAKE  
United States Magistrate Judge  
Middle District of North Carolina